

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.



David Kitto
Director
Mining & Industry Projects

Sydney,

29 JUNE

2012

SCHEDULE 1

The development consent (DA 94-4-2004) granted by the Minister for Planning on 28 October 2005.

SCHEDULE 2

1. In the Definitions section, delete the definitions "DEC", "Department", "Director-General", "DNR", and "Minister" and insert in alphabetical order the following:

Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department, or delegate
EPA	Environment Protection Authority
Incident	A set of circumstances that: • causes or threatens to cause material harm to the environment; and/or • breaches or exceeds the limits or performance measures/criteria in this consent
Minister	Minister for Planning and Infrastructure (or delegate)
NOW	NSW Office of Water
OEH	Office of Environment and Heritage

2. Delete all references to "DEC", except in condition 22 of schedule 3, and replace with "EPA"
3. Delete all references to "DNR" and replace with "NOW"
4. In condition 2 of schedule 2, delete all words after "June 2005;" and insert the following:
- d) modification application DA 94-4-2004 – MOD 1 and the accompanying Environmental Assessment prepared by Rocla Materials Pty Ltd and dated January 2012; and
 - e) the conditions of this development consent.
5. In condition 2 of schedule 3, delete the notes and replace with the following:

Notes:

- *These criteria do not apply if the Applicant has an agreement with the affected land owner/s to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.*
- *Noise generated by the Calga Sand Quarry is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.*

6. Delete condition 8 of schedule 3 and replace with the following:

8. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated on site do not exceed the criteria in Table 3, Table 4 and Table 5 at any residence on privately-owned land, or on more than 25% of any privately-owned land.

Table 3 - Long-Term Impact Assessment Criteria for Particulate Matter

Pollutant	Averaging period	^d Criterion
Total suspended particulates (TSP)	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³

Table 4 - Short Term Impact Assessment Criteria for Particulate Matter

Pollutant	Averaging period	^d Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³

Table 5 - Long-Term Impact Assessment Criteria for Deposited Dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes to Tables:

- ^a Total impact (ie incremental increase in concentrations due to the development plus background concentrations due to all other sources);
- ^b Incremental impact (ie incremental increase in concentrations due to the development on its own);
- ^c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.
- ^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Director-General in consultation with EPA.

7. In condition 22 of schedule 3, delete the reference to "DEC" and replace with "OEH"

8. In condition 26 of schedule 3, delete the note and insert the following:

Note: The access road and quarrying stages are as shown in Appendix 1.

9. Insert the following after condition 3 of Schedule 5:

INCIDENT REPORTING

- 3A. The Applicant shall notify the Director-General and any other relevant agencies of any incident associated with the development as soon as practicable after the Applicant becomes aware of the incident. Within seven days of the date of the incident, the Applicant shall provide the Director-General and any relevant agencies with a detailed report on the incident.

10. Insert the following after condition 6 of Schedule 5:

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- 6A. Within three months of:
- the submission of an AEMR under condition 4 above;
 - the submission of an incident report under condition 12 above;
 - the submission of an audit under condition 5 above; or
 - any modification to the conditions of this consent (unless the conditions require otherwise), the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Director-General.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.

11. Delete conditions 10 and 11 of schedule 5 and replace with the following:

10. Following the commencement of development on site under this consent, the Applicant shall:

- (a) make the following information publicly available on its website:
- the EIS;
 - current statutory consents for the development;
 - approved strategies, plans or programs;
 - a summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
 - a complaints register, updated on a quarterly basis;
 - minutes of CCC meetings;
 - copies of any annual reviews (over the last 5 years);
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - any other matter required by the Director-General; and
- (b) keep this information up-to-date, to the satisfaction of the Director-General.

12. Delete the figure in Appendix 1 and replace with the following:

